IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 28156 of 2004(B)

PETITIONER:

C.P. JOSE, ASST.ENGINEER, K.S.E.B.(RTD.)
CHUNKATHU HOUSE, MANALOOR, THRISSUR,
PIN-680 617.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

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1. **THE KERALA STATE ELECTRICITY BOARD (KSEB IN SHORT), REP. BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM-695 004.**

2. **THE CHIEF ENGINEER (HRM), VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM-695 004.**

3. **THE DEPUTY CHIEF ENGINEER, ELECTRICAL CIRCLE, THRISSUR.**

4. **THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION, THRISSUR DIST.**

5. **THE FINANCIAL ADVISOR, KERALA STATE ELECTRICITY BOARD, VYDYUTHI BHAVAN, THIRUVANANTHAPURAM-695 004.**

BY ADV. SRI.C.C.THOMAS, SC, K.S.E.B
SRI.K.S.ANIL, SC, KSEB
SRI.C.K.KARUNAKARNA, SC., KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.28156/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE MEMO OF CHARGES DTD.29.03..00 WITH STATEMENT OF ALLEGATIONS ISSUED TO THE PETITIONER.

EXT.P2:- COPY OF THE EXPLANATION DT.11.04.2000 SUBMITTED BY THE PETITIONER.

EXT.P3:- COPY OF THE ORDER DT.14.7.2000 ISSUED BY THE 2ND RESPONDENT EXONERATING THE CONCERNED ASST.EXECUTIVE ENGINEER (HIGHER AUTHORITY OF THE PETITIONER).

EXT.P4:- COPY OF THE ORDER NO.GB/3/63/00 DT.5.2.01 ISSUED BY THE 3RD RESPONDENT DIRECTING THE 4TH RESPONDENT/ENQUIRY OFFICER TO COMPLETE THE ENQUIRY AND SUBMITS THE REPORT WITHIN 2 MONTHS.

EXT.P5:- COPY OF THE MEMO DT.30.5.01 RELIEVING THE PETITIONER ON RETIRMENT FROM THE SERVICE W.E.F. 31.5.01.

EXT.P6:- COPY OF THE JUDGMENT DT.25.11.02 PASSED BY THIS HONOURABLE COURT IN OP. 27854/02

EXT.P7:- COPY OF THE NOTICE/MESSAGE BY PHONOGRAM DTD.3.2.03 ISSUED BY THE 4TH RESPONDENT AS TO THE ENQUIRY SCHEDULED ON 7.2.03.

EXT.P8:- COPY OF THE NOTICE DT.11.2.03 ISSUED BY THE 3RD RESPONDENT WITH COPY OF THE ENQUIRY REPORT.

EXT.P9:- COPY OF THE REPLY DT.25.2.03 SUBMITTED BY THE PETITIONER.

EXT.P10:- COPY OF THE ORDER PASSED BY THE 3RD RESPONDENT IMPOSING PUNISHMENT ON THE PETITIONER DT.25.2.03.

EXT.P11:- COPY OF THE APPEAL DT.2.6.03 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P12:- COPY OF THE JUDGMENT DT.1.9.03 PASSED BY THIS HONOURABLE COURT IN WP(C) NO.27982/03.

EXT.P13:- COPY OF THE ORDER NO.EBVS 5.9.2000 DT.19.9.03 PASSED BY THE 2ND RESPONDENT/APPELLATE AUTHORITY.

EXT.P14:- COPY OF THE ORDER NO.EBVS 5.9.2000 DT. 4.12.03 PASSED BY THE 2ND RESPONDENT/ APPELLATE AUTHORITY AFTER THE POST DECISIONAL HEARING HELD ON 29.10.03.

/TRUE COPY/

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KURIAN JOSEPH, J.

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W.P.(C)NO.28156 OF 2004

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Dated this the 30th day of March 2007

JUDGMENT

Petitioner is aggrieved by the disciplinary proceedings initiated against him by the respondents. The crucial contention taken by the petitioner is that he retired from service on 31.5.2001 hence the imposition of punishment by order dated 25.2.2003 is illegal. It is now settled law that an employee cannot be awarded a punishme0nt after his retirement since there is no employer - employee relationship. Admittedly, the petitioner retired from service on 31.5.2001 and punishment as per Ext.P10 is imposed only on 25.2.2003. Though the petitioner attempted to pursue the matter before the statutory authorities, this crucial legal contention is not seen adverted to.

2. I quash the impugned orders. There will be a direction to the respondents to settle the pension and pensionary benefits ignoring Ext.P10. This shall be done

within a period of two months from the date of production of a copy of this judgment.

Writ petition is disposed of.

KURIAN JOSEPH, JUDGE

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